

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

KAREEM RODERIQUE,

Defendant.

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21 Cr. 56 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The sentencing proceeding for Defendant Kareem Roderique is scheduled to be continued on November 9, 2022. The parties in their plea agreement stipulated to certain applications of the United States Sentencing Guidelines, which did not include a two-level enhancement for “maintain[ing] a premises for the purpose of manufacturing or distributing a controlled substance” under section 2D1.1(b)(12). *See* Plea Agreement at 2-3; *see also* Dkt. 174 at 8 n.5 (noting that the Government was “persuaded” not to apply the section 2D1.1(b)(12) enhancement because “even though Roderique had access to the mill, his role in the conspiracy was primarily a supplier”).

Under the terms of the plea agreement, *see* Plea Agreement at 5, and as the Court advised Mr. Roderique at his March 4, 2022 plea hearing, *see* Dkt. 92 at 21:8-21, the Court is not bound at sentencing to any agreement by the parties as to the application of the Guidelines. In addition, at the August 2022 trial of co-Defendant Robert Shannon, cooperating witness Ken Johnson testified about, among other things, Mr. Roderique’s role in the drug distribution conspiracy. *See, e.g.*, Trial Tr. at 410:11-13:14.

At sentencing on November 9, 2022, the parties should be prepared to address the following:

(1) whether at Mr. Roderique’s sentencing, the Court may rely on evidence received at Mr. Shannon’s trial, including testimony from Mr. Johnson, in determining Mr. Roderique’s applicable

Guidelines range or in application of the factors under 18 U.S.C. § 3553(a) as they relate to Mr. Roderique, *see United States v. Cacace*, 796 F.3d 176, 191 (2d Cir. 2015) (“[A] sentencing court is entitled to rely on any type of information known to it, even information gleaned from a trial in which the person to be sentenced was neither a defendant nor represented by counsel.” (internal alteration and quotation marks omitted)); and (2) whether in light of the evidence received at Mr. Shannon’s trial, including Mr. Johnson’s testimony, a two-level enhancement for “maintain[ing] a premises for the purpose of manufacturing or distributing a controlled substance” under section 2D1.1(b)(12) applies to Mr. Roderique’s conduct.

The parties also may make any written submissions on the above issues in advance of the sentencing, although they are not required to do so.

SO ORDERED.

Dated: October 12, 2022
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge